

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

AUG 20 2008

U.S. DISTRICT COURT
CLARKSBURG, WV 26301

BLAIR R. JONES, JR.,

Petitioner,

v.

//

CIVIL ACTION NO. 1:07CV115
CRIMINAL ACTION NO. 1:05CR95
(Judge Keeley)

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On August 30, 2007, pro se petitioner Blair R. Jones, Jr. ("Jones") filed a motion pursuant to 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody. On June 18, 2008, United States Magistrate Judge John S. Kaull entered a detailed Report and Recommendation ("R&R") recommending that this Court deny Jones's § 2255 motion and dismiss this case with prejudice. On August 18, 2008, Jones filed objections to the R&R.

Upon de novo review, the Court finds that the Magistrate Judge properly applied the controlling legal standard of United States v. Attar, 38 F.3d 727 (4th Cir. 1994), when he determined that Jones knowingly and intelligently waived his right to collaterally attack his sentence. The Magistrate Judge also properly applied the controlling legal standard of United States v. Lemaster, 403 F.3d 216 (4th Cir. 2005), to the facts in the case when he determined that all of Jones's claims are barred by that waiver.

Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety (civil dkt. no. 10, criminal dkt. no. 250), **DENIES** Jones's § 2255 petition (civil dkt. no. 1, criminal dkt. no. 221),

ORDER ADOPTING REPORT AND RECOMMENDATION

DENIES the other pending motions in this case **AS MOOT** (civil dkt. nos. 17 & 19, criminal dkt. nos. 258 & 262), and **DISMISSES** this case **WITH PREJUDICE**. The Court directs the Clerk's office to **STRIKE** this case from the docket of this Court.

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to the pro
se petitioner, certified mail, return receipt requested and counsel
of record.

Dated: August 20, 2008.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE